



Employee Management Relations



(EMR)

Functions of EMR

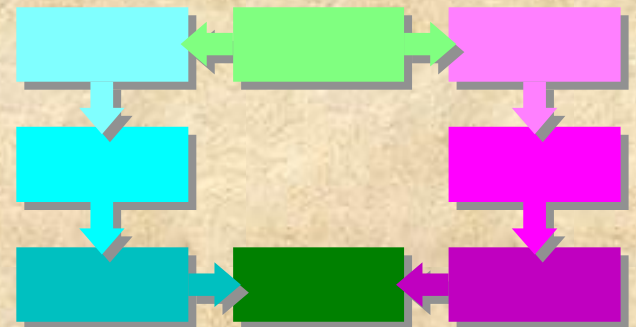
General Employment Conditions/Legal Basis

Non-Us Employee Management Relations



TOPICS

- **Responsibilities/functions of EMR**
- **GENERAL EMPLOYMENT CONDITIONS**
 - **NATO SOFA agreement**
 - **German Labor laws**
 - **CTA II**
 - **Protection Agreement**
 - **USAFE Instructions**
 - **Working Contract**



Responsibilities/Functions of EMR

- **Advice and assistance on personnel/labor relations matters**
- **Guidance and advice on legal and tariff matters**
- **Assistance to accomplish personnel management responsibilities**
 - **Conduct and Discipline**
 - **Absences (sickness, annual leave, administrative leave)**
 - **Works Council Coordination**
 - **Labor Court actions**
 - **Employee counseling**



**to the
NATO Status of Forces
Agreement
(SOFA)**

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3)

- **International treaty
concluded between the
USA, Canada, UK, France,
Belgium, Netherlands and
the FRG**

SOFA

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Article 56

German Labor Law, as applicable to civilian employees working with the German Armed Forces... shall apply to employment of civilian labor with a force or a civilian component.

SOFA

Article 56 (cont'd)

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The German authorities, in agreement with the authorities of a force or a civilian component shall establish the terms and conditions of employment ... and shall conclude tariff agreements.

Disputes arising from employment shall be subject to German jurisdiction.

Labor Laws *

Law provisions may apply if a matter is not specifically regulated by CTA II

- Part-Time and Temporary Employment Act (Teilzeit- und Befristungsgesetz)
- Work Hours Law (Arbeitszeitgesetz)
- Law on Protection From Termination of Employment (Kündigungsschutzgesetz)
- Federal Leave Act (Bundesurlaubsgesetz)
- Mother Protection Law (Mutterschutzgesetz)
- Parental Leave Law (Bundeserziehungsgeldgesetz)
- Social Code IX, Rehabilitation and Participation of Severely Handicapped People (SGB IX, Rehabilitation und Teilhabe behinderter Menschen)
- Federal Personnel Representation Law (Bundespersönalvertretungsgesetz)
- Law on Protection of Persons Inducted to the Forces

** Selection of most important protect*

Work Hour Law

(Arbeitszeitgesetz)

Purpose: To promote safety and health of employees and to provide flexibility in the establishment of work schedules

- **Establishes maximum daily work hours**
- **Imposes minimum requirements for breaks and rest periods**
- **Imposes restrictions for Sunday and Holiday work.**

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Law on Protection From Termination of Employment

(Kuendigungsschutzgesetz)

- **Provides protection to employees who are separated from employment.**
- **Employees who have completed 6 months of employment can contest a termination action by filing a formal complaint at the Labor Court within 3 weeks after separation**

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Law on Protection From Termination of Employment

(Kuendigungsschutzgesetz)

- **Labor Court reviews the “social justification”. A separation is not socially justified if it was not motivated by reasons inherent in the employee’s**
 - ⇒ **Personal *or***
 - ⇒ **Conduct *or***
 - ⇒ **Required for operational reasons**
(retention is inconsistent with compelling operational needs)

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Law on Protection From Termination of Employment (Kuendigungsschutzgesetz)

- **Mandates consideration of social factors (particularly important for separation due to RIF)**
- **Establishes separation due to change in employment conditions**
- **Special protection for members of the Works Council**

Federal Leave Act

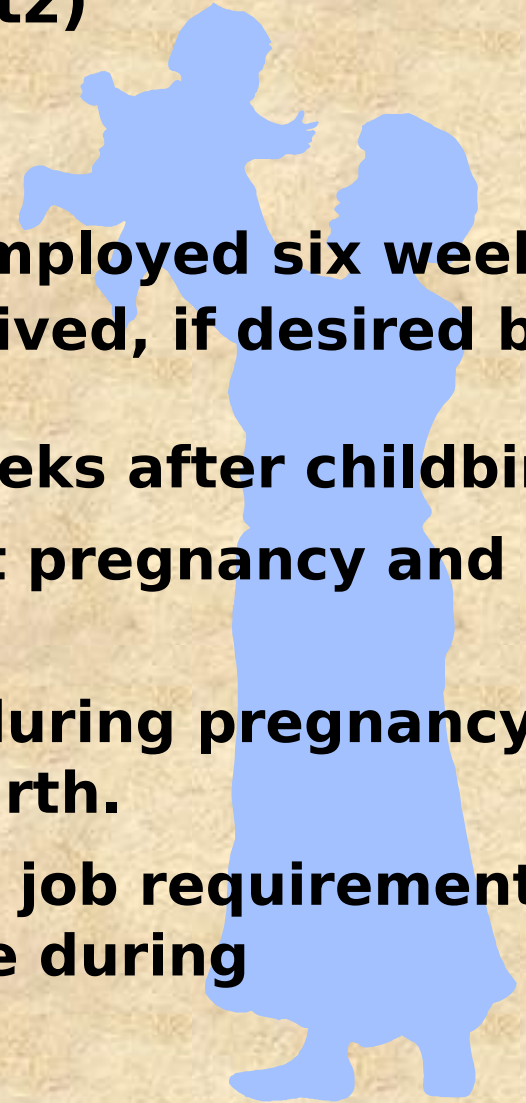
(Bundesurlaubsgesetz)

- **Imposes the requirement for employers to grant annual leave for their employees**
- **Minimum duration of annual leave is 24 workdays per calendar year.**
- **Purpose of leave (no other gainful employment during leave)**
- **Addresses waiting period, partial leave, transfer of leave.**
- **Regulated by Art. 33, CTA**

Mother Protection Law

(Mutterschutzgesetz)

- **Establishes Maternity Leave**
 - + Pregnant females may not be employed six weeks before confinement (can be waived, if desired by employees)
 - + Prohibits employment eight weeks after childbirth
- **Notification of employer about pregnancy and proposed date of childbirth.**
- **Protection from termination during pregnancy and until four months after childbirth.**
- **Special restrictions on physical job requirements and establishment of the work site during pregnancy.**



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FEDERAL EDUCATIONAL ALLOWANCE ACT

(Bundeserziehungsgeldgesetz)

- Effective 1 January 2001
- Addresses child care pay (Erziehungsgeld) (section I) and “parental time off” (Elternzeit) (Section II)
- Employees are entitled to parental leave until the child is three years of age (can be shorter).
- Must be requested 6 weeks in advance and duration must be indicated.
- Both parents may take parental time simultaneously, for a part or for the total duration up to 3 years for each child.

FED EDUC ALL ACT

cont'd

(Bundesperziehungsgeldgesetz)

- **Extension or earlier ending of parental leave requires management approval.**
- **A period of 12 months of parental time-off can be postponed till the eight birthday - however the employer's approval is required.**
- **During parental time-off each parent may be employed for up to 30 hours per week.**
- **protection from termination during parental leave.**

of 3)

FED EDUC ALL ACT

cont'd

(Bundesperziehungsgeldgesetz)

- **Employee can resign with a notice period of 3 months to the end of the parental leave.**
- **Employee is entitled to a monthly payment**
 - ➔ **12 months up to 460 EUR**
 - ▮ **24 months up to 307 EUR**

Rehabilitation and Participation of Severely Handicapped People (Social Code, Art IX)

**(Rehabilitation und Teilhabe behinderter Menschen,
SGB IX)**

■ Defines handicapped status

- Severely disabled status with a recognized handicap between 50 percent and 100 percent**
- Assimilated status (more than 30 percent but less than 50 percent; Labor Office assigns “assimilated status” if job is endangered as a result of the handicap).**

Rehabilitation and Participation of Severely Handicapped People (Social Code, Art IX)

**(Rehabilitation und Teilhabe behinderter Menschen,
SGB IX)**

- **Establishes the requirement for the election of Severely Handicapped Employees' Representatives (SHER) if at least five severely handicapped employees are employed (status like a Works council member).**
- **Provides special protection from termination: concurrence from Integration Office and hearing of SHER required.**
- **Additional Leave (specifically regulated in Art 34 CTA II)**

Federal Personnel Representation Law

(Bundespersonalvertretungsgesetz)

USAFER 40-36, Annex B, Labor Management Relations

- **Legal basis for all Works Council related matters**
- **Definition of an “agency”**
- **Imposes the requirement for the establishment of Works Councils**
- **Election and Composition of Works Councils**
- **Status of Works Council members**
- **Works Council structure (local, district, command)**
- **Matters subject to Works Council participation.**

Law on Protection of Persons Inducted Into the Armed Forces

(Arbeitsplatzschutzgesetz)

- **Prohibits termination for employees who are
drafted for military service
(Grundwehrdienst)
or military training (Wehrübung).**
- **Applies to all persons who hold citizenship
of a European Community country.**



PART-TIME AND TEMPORARY EMPLOYMENT ACT

- **Effective 1 January 2001**
- **Addresses and regulates Part-Time and Temporary employment**
- **Grants employees entitlement for part-time employment if employed more than six months.**
- **Employee must request reduction of work time at least 3 months before proposed start.**
- **Employee must concur unless impossible for compelling operational reasons.**
- **Preferential treatment concerning extension of work time.**

Collective Tariff Agreement (CTA II)

16 Dec 66

- **Parties to the agreement are the German Federal Government and German Labor/Industrial unions.**
- **Secretary of Finance represents the German Government**
- **HQ USAREUR/HQ USAFE/AAFES Europe represent the Sending States Forces in Tariff negotiations**
- **Employees are entitled to the benefits and protections of CTA II, regardless of union membership.**
- **CTA II establishes minimum employment conditions**
- **USAFE Pam 36-720-G (German)**
- **USAFE Pam 36-720 (English translation of CTA II - without appendices)**

(cont'd)

**COLLECTIVE
TARIFF
AGREEMENT**

(1of2)

Major Part I - General Provisions

Section 1: Scope of Application and Special Provisions

Section 2: Employment Contract

Section 3: Period of Employment

Section 4: Hours of Work

Section 5: Principles of Pay

Section 6: Loss of Work Hours

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Major Part I - General Provisions

Section 7: Sickness

Section 8: Leave

Section 9: Compensation

Section 10: Social Provisions

**Section 11: Termination of
Employment**

Section 12: Other Provisions

Major Part II

General Provisions on Grading and Pay Steps

**Section 13: Classification into Wage and Salary
Groups**

Section 14: Assignment of Salary Steps

**Section 15: Wage Group Classification A for Wage
Earners**

**Section 16: Salary Group Classification C for Salaried
Employees**

Major Part III

Wage and Salary Tariff

Section 17: Wage Tariff A for Wage Earners

Section 18: Salary Tariff C for Salaried Employees

Major Part IV - Final Provisions

Section 19: Arbitration Procedures

Section 20: Entry into Effect and Termination

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Appendices A-Z

Appendix:

- A Special Provisions for Wage Earners**
- C Special Provisions for Salaried Employees**
- F Special Provisions for Drivers**
- H Special Provisions for Employees in Catering
Establishment and Billets**
- K Special Provisions for Employees in Hospitals/
Medical Facilities**
- P Special Provisions for Fire Fighting Personnel**
- R Provisions on Employment Outside the
Permanent Duty Station**
- S Severely Allowance**

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Appendices A-Z

Appendix:

T Special Provisions for Employees in Retail Activities

V Vacation Bonus

W Christmas Bonus

Z Special Provisions for Employees in Civilian

Support Groups

Please note: Only most important appendices are listed.

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Protection Agreement

(a/o 2 July 1997)

- **Tariff Agreement on
Protection from
Rationalization Measures**
- **Termination of Employment**
- **Income Protection**

(2 of 3)

Protection Agreement

(a/o 2 July 1997)

Personal Scope of Application

- **2 years of Employment**
- **21 Years of Age**
- **Indefinite employment**

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Protection Agreement

(a/o 2 July 1997)

Organizational Measure

- **Deactivation**
- **Merger**
- **Relocation**
- **Reorganization**
- **Transfer of Employment (Art 613a, Civil Code)**

USAFE

Instructions/Pamphlets/Policies

- **USAFEI 36-723 addresses other aspects of employment conditions in terms of CTA II implementation and conditions of employment established outside of CTA II.**
- **Issued by HQ USAFE, coordinated with Command Works Council**
- **36-series, USAFE Instructions address LN administration (formerly 40-series, USAFE Regulations)**
- **USAFE Pamphlets**
- **Local Policies**
- **Shop Agreements (matters covered by Works Council's codetermination)**
- **Agreements/policies may require works council coordination**
 - ➔ **Listing of USAFEI Index**

Employment Contract

- **LN Employees are appointed under an individual employment contract (USAFE Form 825)**
- **Outlines basic conditions of employment (e.g.. position title, pay grade, employing organization, duty station, regular workhours, etc.)**
- **Contract specifies that the employee is appointed under terms of CTA II (reverse side of USAFE Form 825)**
- **Major changes in employment conditions require a termination due to change of employment conditions or employee's consent.**
- **Basis for USAFE Form 825 is the Personnel Action Request (USAFE Form 52) to be submitted by management to CPO.**